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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,739	10/04/2000	Kari Kirjavainen	2980116USHU	1450

466 7590 11/17/2003

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EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 11/17/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO 14

Office Action Summary

Application No.
09/647,739

Applicant(s)
KIRJAVAINEN

Examiner
KUHNS

Group Art Unit
1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE(3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on SEPT. 2, 2003

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-13 AND 18-24 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 4-6, 10, 18-20 AND 22-24 is/are rejected.

☒ Claim(s) 2-3, 7-9, 11-13 AND 21 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

1.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.Claims 1, 4-6, 10, 18-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 143 772 as set forth in the rejection of claims 1 and 3-6 in the previous Office action. It is submitted that the operating conditions set forth in the examples of the cited reference require pressures within the ranges of claims 4 and 24. Forming an apparatus with a divergent or widening nozzle, as in claim 10, is well known and would have been obvious to one of ordinary skill in the art in order to encourage the extrudate of the cited reference to diverge into a desired tubular shape. It is submitted that the tearing of joint surfaces, as in claims 2 and 19, is inherent in the method of the cited references since voids are formed in the film. The cited reference teaches the use of calcium carbonate particles, as in claim 20, and gases, as in claims 22-23.

3.Claims 2, 7, 9, 11 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is not anticipated by the examiner that each of the dependent "apparatus" claims would be rewritten in independent form. The gas named in claim 21 appears to be spelled incorrectly.

4.Applicant's arguments filed September 2, 2003 have been fully considered but they are not persuasive. Applicant argues that the cited reference does not teach or suggest the gas being fed into the plastic film but rather the gas penetrates through the

Art Unit: 1732

film. The examiner disagrees even though what Applicant has argued represents the goal of the process taught by the cited reference. Since this reference teaches at page 3, lines 53-56 that if the filler composition is less than 13%, voids (or bubbles) which are not interconnected will be produced, the reference actually at least suggests the instantly claimed process.

Applicant also argues that the amendment to claim 6 makes explicit that bubbles containing the fed gas are formed in the plastic film. This is not persuasive because the claim itself is based on the apparatus structure, not the structure of the formed article, and the amendment does nothing to distinguish the apparatus structure over that suggested by the prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is 703-308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (703) 305-5493. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

Allan R. Kuhns
ALLAN R. KUHN
PRIMARY EXAMINER AU 1732
11-13-03